

**FILED****02/08/2023**

**U.S. DISTRICT COURT**  
**SOUTHERN DISTRICT OF INDIANA**  
 Roger A.G. Sharpe, Clerk

**COMPLAINT FORM**

(for filers who are prisoners without lawyers)

(revised 4/19/2022)

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF INDIANA

(Full name of plaintiff(s))

Willie G. Malfett

v.

Case Number:

(Full name of defendant(s)) Evansville Police Dept.

3:23-cv-0015-RLY-MPB

(Officers) Seth Gorman & Ofcr. Brown (1st name unknown)  
(both individually as officers w/ the Evansville Police Dept.)

(to be supplied by clerk of court)

Nicholas G. Hermann or Designee of this action (State of Indiana)Vanderburgh Co. Sheriff's Dept. (Evansville)City of Evansville, Indiana ; Vanderburgh Co. Indiana**A. PARTIES**

1. Plaintiff is a citizen of Indiana, and is located at  
 (State)

3500 N Harlan ave. Evansville In. Vanderburgh Co. Jail (4/11/11)  
 (Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant Seth Gorman & Ofcr. Brown (EPD.) officials  
 (Name)

is (if a person or private corporation) a citizen of Evansville, Indiana  
(State, if known)

and (if a person) resides at UNKNOWN  
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Evansville Police Dept. (1 N.W. Martin L. King Jr. Blvd.) Evansville, In 47708  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM(S)

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

(1) Plaintiff, by this 42 U.S.C. 1983 state claims of my civil rights violations, and state laws) claims against the City of Evansville, In.; The Evansville Police Dept., and Officers Seth Garman (E.P.D.), and Ofr. Brown (1<sup>st</sup> name unknown) (E.P.D.); in their individual and official capacities (City Defendants), as well as Vanderburgh Co. In. and the Vanderburgh Co. Sheriff's Dept. (County defendants). All violated both my constitutional and state law rights, while acting under the colors of law; Unlawfully Search, Seized, Arrested, Maliciously Prosecuted, and Wrongfully Imprisoned plaintiff while Under duress, and without Probable Cause. (For 69 sixty-nine days)

(2) By documented record (Probable Cause Affidavit) of Ofcr. Garman of the Evansville Police Dept. (E.P.D.), hereinafter, and Ofcr. Brown while ...

continues

... responding to a "9-1-1 hang-up" from an "Unknown" female, whom "made <sup>No</sup> allegation" of criminal activity; Being committed; Had been committed; or About to be committed to lead a reasonable person to believe any of the underlined above "Has occurred." In Absent of an Investigation, to determine; A Probable Cause to Search, Seize, and Arrest Anyone, On August 20, 2021 @ 1656 S. Governor St. in Evansville, In.

Both ofcrs. (Brown & Gorman); By Unreasonable Force, violated the plaintiff's 4th Amendment Rights under the U.S. Constitution on the above date. When they illegally search plaintiff, in absent of individualized suspicion of wrong doing, and within the scope of their employment, and too; Making the City of Evansville "Liable" under the scope of employment rule, and giving plaintiff support to a Respondent Superior Claims.

Plaintiff contend, and attest; Officers abused their authority, by forcefully searching, seizing, and arresting plaintiff without consent, or probable cause to do so, "and most importantly"; Neglected to conduct an "independent investigation," prior to searching, seizing, and arresting plaintiff on day of incident. Plaintiff further contend, and too, believe Ofcr. Gorman thereafter, prepared a Sworn Affidavit in order to establish probable cause for his and ofcr. Brown's illegal search and seizure.

(3) When an officer (ofcr.) is carrying out employment duties, physically controls someone, and then abuse employment-conferred power to illegally search, seize, and arrest someone, the city does not escape liability under respondeat superior for the illegal search, seizure, and arrest of his person, and deprivation of his liberty.

(4) Bodily Search of a person is inherently a violation of a person's privacy and Must Be justified By ones consent, Probable cause, or a Warrant; Neither was established by "Direct Proof", at time of incident, or by Central Dispatch Operator. (9-1-1) hang up. Searches and Seizures (Inside A Home) without a warrant are presumptively unreasonable absent "Exigent Circumstances". Officers Gorman nor Brown Articulated any suspicion of weapons, or any indications of weapons before they searched and seized anything in plaintiff's possession. the illegal seizure of paraphnelia on plaintiff, did not validate, that plaintiff touched anyone in a rude, insolent, and angry manner for which he were "Wrongfully Arrested, and subsequently prosecuted. (Reversed 08/29/22)

Needless to say; The removal of the paraphnelia from plaintiff's pocket constituted/Validated An Illegal Search without Probable Cause.

Officers Never indicated they had Appropriate Suspicion of the plaintiff to conduct a search, subsequent to an arrest.

(5) Plaintiff state claims of Due Process Violations under the 14<sup>th</sup> Amendment for a Malicious Prosecution(noting the extent of the officers actions in arresting the plaintiff), and further, for Claims of False Imprisonment Under the 8<sup>th</sup> Amendment, and State Law Claims, where Ofc. Gorman ( My Accuser ) lacked probable cause, and procured a criminal prosecution without probable cause, and improper purpose ; Resulting in an Affirmative Innocense, after being found guilty in plaintiff's initial trial on October 27, 2021; Again, Reversed By Court of Appeals on(8/29/22)

(6) Plaintiff contend and have reasons to believe the States Attorney; and Hon. Judge Donald Vowels of the Vanderburgh Co Superior #7 Misdemeanor Court solely relied upon the Probable Cause Affidavit to make a Determination of Probable Cause on the 20<sup>th</sup> day of August 2021.

(7) Plaintiff Attest; The Affidavit was weighed in favor of the Ofcr's statement alone (Gorman) that a crime of Battery (Domestic) had been committed by the plaintiff; By way of Lowering/ lunging into the alleged victim, while carrying couch pillows with his shoulder, in a rude, insolent, and angry manner, as they observed "while walking up to the residence, and personally observing the stated allegation(s).

The unprofessional antics of Ofcr. Seth Gorman's P.C. Affidavit caused plaintiff to be deprived of his liberty, and held for (69) days awaiting trial in the Vanderburgh Co. Sheriff's dept., and proceeding as his own attorney, (Pro Se), after being granted his Early Trial Request in open court, on the 20<sup>th</sup> day of August, 2021.

It's clear for the plaintiff to say: "Both the court and Prosecution proceeded to prosecute plaintiff; "In Absent Direct Evidence To Probable Cause."

Herenow, Plaintiff state affirmative claims where the above named Officials/defendants; Seth Gorman, Ofcr.Brown; City of Evansville, In.; Vanderburgh Co. In; Vanderburgh Co. Sheriff's Dept. for violating his 4<sup>th</sup> Amendment and 14<sup>th</sup> Amendment Rights; Rights that are secured by the Constitutions or the United States.

Evidence will show, that the said defendants committed acts of Unreasonable Search, Seizure, Arrest, Malicious Prosecution; By Committing said Plaintiff to an Unfair Trial; by violating his due process to the discovery material in a "timely manner"; so that Plaintiff could Effectively Prepare for Trial. Records will show, plaintiff diligently requested evidence that will Exonerated him at trial. On the 13<sup>th</sup> day of October, 2021, Judge Marcrum (Superior Court Magistrate), ordered for the State to forward body cam footage to the Vanderburgh Co. Jail; And for the jail's Ofcr. to "provide the viewing of the evidence. The jail officials, both deputies and Sheriff Weddell, denied plaintiff access of the evidence, and shall be found to violating his Due Process Rights to a fair and expeditious trial, Under the 14<sup>th</sup> Amendments . . .

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is

\$ 300,000<sup>00</sup> . @ \$ 100,000 for each defendant named herein

Thirty Thousand Dollars

Ten Thousand Dollars

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

... All while acting under the color of State law. Plaintiff seeks monetary damages for violations of Both Federal and State Torts against All said defendants, in their Individual and Official Capacities, for both Compensatory, and Punitive damages, for the pain and sufferings caused by the (69) days plaintiff was held against his will or consent in the Vanderburgh Co. Jail from August 20, 2021 to October 27, 2021, by way of an illegal search, seizure, and Unnecessary Force, to falsely Arrest plaintiff, and falsify information to support a Malicious Prosecution. Plaintiff contend defendants acted with an "evil motive" or intent; or "reckless or callous indifference" to his federal and state law rights. Seeking the Maximum Alotted from "Each" defendant for each day served in custody for this action, in addition to the pain and sufferings sustained herein.

E. JURY DEMAND

Jury Demand - I want a jury to hear my case  
OR  
 Court Trial – I want a judge to hear my case

Dated this 4<sup>th</sup> day of February 2023.

Respectfully Submitted,

William H. Jeffett  
Signature of Plaintiff

#3298 (V.C.J)  
Plaintiff's Prisoner ID Number

3500 N. Harlan Ave., Evansville, In. 47711; Or  
608 Jefferson Ave., Evansville, In. 47708  
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

F. OPTIONAL CERTIFICATION

Under penalty of perjury, I declare that the facts alleged in this complaint are true and correct to the best of my knowledge and belief.

William H. Jeffett  
Signature of Plaintiff

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE

**FILING FEE**

I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.